

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 2:11cr3 KS-MTP

CHARLES W. IRBY, JR.

ORDER ON DEFENDANT IRBY'S THIRD MOTION IN LIMINE

This cause is before the Court on Defendant Charles Irby, Jr.'s Third Motion In Limine [69] and Memorandum in support thereof [70]. The Court has considered the Motion and authorities cited. In the Motion, the defendant seeks to exclude Exhibit 54 under Rules 401, 402 and 403 of the Federal Rules of Evidence. The exhibit sought to be excluded is a video of Mr. Irby's eviction from his home on or about October 20, 2008. At this time the Court has not had the benefit of any testimony or other proof that would support the introduction of this exhibit. The Government will have to establish relevancy and that it is more probative than prejudicial. At this time, the Court overrules the Motion but instructs the Government that prior to offering Exhibit 54, that the Government should alert the Court and a hearing will be conducted outside the presence of the Jury to determine whether or not the Government has met the prerequisites for admission of Exhibit 54 under Rules 401, 402 and 403.

SO ORDERED this the 19<sup>th</sup> day of August, 2011.

*s/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE